

JUDGE WOODS

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
MARCOS ANTONIO BATISTA-CUBILETE, :
a/k/a "Carlos Rosario," :
:
Defendant. :
:
- - - - - X

SEALED INDICTMENT

15 CRIM 321

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED JUN 10 2015

COUNT ONE

The Grand Jury charges:

1. From at least in or about March 2014, up to and including in or about May 2015, in the Southern District of New York and elsewhere, MARCOS ANTONIO BATISTA-CUBILETE, a/k/a "Carlos Rosario," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MARCOS ANTONIO BATISTA-CUBILETE, a/k/a "Carlos Rosario," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances that MARCOS ANTONIO BATISTA-CUBILETE, a/k/a "Carlos Rosario," the defendant, conspired to

distribute and possess with the intent to distribute were (a) one kilogram and more of mixtures and substances containing a detectable amount of heroin, and (b) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense charged in Count One of this Indictment, MARCOS ANTONIO BATISTA-CUBILETE, a/k/a "Carlos Rosario," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Indictment.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of MARCOS ANTONIO BATISTA-CUBILETE, a/k/a "Carlos Rosario," the defendant:

a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United State Code, Section 853.)


FOREPERSON
PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARCOS ANTONIO BATISTA-CUBILETE,
a/k/a "Carlos Rosario,"


Defendant.

INDICTMENT

15 Cr. ____

(21 U.S.C. § 846.)

A TRUE BILL


Foreperson. PREET BHARARA
United States Attorney.

5/28/15 - Filed Sealed Indictment
as I/W issued
Judy Thomas
NMA